

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

CAROLYN CLARK,
On behalf of herself and all similarly
situation individuals,

Plaintiff,

v.

Civil No. 3:15-cv-00391-MHL

TRANS UNION, LLC,

Defendant.

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION
REQUESTING JUDICIAL NOTICE OF EXHIBITS A THROUGH H IN SUPPORT
OF DEFENDANT TRANSUNION, LLC'S MOTION TO DISMISS**

Defendant TransUnion, LLC ("TransUnion") requests this Court pursuant to Rule 201 of the Federal Rules of Evidence to take judicial notice of the following Exhibits A through H in support of its Motion to Dismiss.

1. First Amended Complaint, filed on February 15, 2011, in Donna K. Soutter v. Trans Union, LLC, United States District Court, Eastern District of Virginia, Richmond Division, Case No. 3:10-cv-00514-HEH ("Soutter v. TU"), a true and correct copy of which is attached hereto as Exhibit A.

2. Order (Settlement Conference Referral), entered on May 16, 2013, in Soutter v. TU, a true and correct copy of which is attached hereto as Exhibit B.

3. Motion For Preliminary Approval Of Class Action Settlement Agreement And Class Certification For Settlement, filed on December 9, 2013, in Soutter v. TU, a true and correct copy of which is attached hereto as Exhibit C.

4. Memorandum In Support Of Motion For Preliminary Approval Of Class Action Settlement Agreement, filed on December 9, 2013, in Soutter v. TU, a true and correct copy of which is attached hereto as Exhibit D.

5. Preliminary Approval Order, entered on December 19, 2013, in Soutter v. TU, a true and correct copy of which is attached hereto as Exhibit E.

6. Final Approval Order, entered on June 4, 2014, in Soutter v. TU, a true and correct copy of which is attached hereto as Exhibit F.

7. Complete Transcript of June 14, 2016 Hearing Before the Honorable M. Hannah Lauck in James Jenkins, et al. v. Equifax Information Services, LLC, United States District Court, Eastern District of Virginia, Richmond Division, Case No. 3:15-cv-00443-MHL, a true and correct copy of which is attached hereto as Exhibit G.

8. Online court docket from the matter Quick Cash v. Carolyn Clark-Bruce, Henrico County Virginia General District Court Case No. GV08023896-00, a true and correct copy of which is attached hereto as Exhibit H.

Judicial notice of Exhibits A through H should be granted because orders, court filings and public records are appropriate for judicial notice under Rule 201. See Zaklit v. Global Linguist Solutions, LLC, No. 1:14CV314 JCC/JFA, 2014 WL 3109804, at *1 n.2 (E.D. Va. July 8, 2014) (“It is well established that a court may take judicial notice, pursuant to Rule 201 of the Federal Rules of Evidence, of public court records[.]”) (internal quotation marks and citation omitted); United States v. Schley-Cole, No. 3:13-CR-11-2, 2013 WL 6073550, at *2 (N.D.W. Va. Nov. 18, 2013) (“[The Fourth Circuit] routinely takes judicial notice of docket records . . . and judgments.”) (collecting cases).

In addition, TransUnion requests that this Court take judicial notice of Exhibits A through H without converting the Memorandum of Points and Authorities in support of Defendant TransUnion, LLC's Motion to Dismiss Count One for Lack of Subject Matter Jurisdiction or in the Alternative to Strike the Class Allegations. See Blackwell v. Gen. Dynamics Land Sys., Inc., No. 1:10CV110 (JCC/JFA), 2010 WL 2639829, at *2 (E.D. Va. June 28, 2010) ("[T]he Court will take judicial notice of [the exhibits] without converting this motion for one for summary judgment[.]"); Smith v. Am. Exp., No. CIV.A. 1:13-3014, 2014 WL 1338518, at *4 n.4 (S.D.W. Va. Jan. 15, 2014) report and recommendation adopted, No. CIV.A. 1:13-3014, 2014 WL 1338537 (S.D.W. Va. Mar. 31, 2014) ("A court may, however, take judicial notice of matters in the public record without converting a motion . . . into one for summary judgment.") (citations omitted); Luellen v. Gulick, No. 1:10CV203, 2011 WL 7628537, at *7 (N.D.W. Va. July 5, 2011) report and recommendation adopted, No. 1:10CV203, 2012 WL 1029577 (N.D.W. Va. Mar. 26, 2012) (stating that the court may consider matters of public record "that are subject to judicial notice without converting the motion into a Motion for Summary Judgment.") (internal quotation marks and citation omitted).

Accordingly, for the foregoing reasons, TransUnion's motion requesting judicial notice of Exhibits A through H should be granted.

TRANSUNION, LLC

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CERTIFICATE OF SERVICE

I hereby certify that on the 18 day of July, 2016, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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